

REMARKS

This Response to a Final Office Action having a mailing date of December 28, 2006 is being filed along with a request for continued examination (RCE). Claims 1-29 were rejected. Claims 9, 18, 19 and 21-29 have been canceled. Claims 1, 8, 14 and 20 have been amended. Claims 30-35 are new. Claims 1-8, 10-17, 20, and 30-35 are currently pending. Reconsideration of the subject application is respectfully requested.

Claim Rejections -35 U.S.C. § 101

Claims 20-25 were rejected under 35 U.S.C. § 101 because the claimed invention was directed towards non-statutory subject matter. The examiner recommended replacing "a data storage medium embodying a program" with "a computer readable medium storing a computer readable program" so that claims 20-25 are in compliance with 35 U.S.C. 101. The applicants' have amended claim 20 along the lines suggested by the examiner. The applicant has canceled claims 21-25. For at least this reason claim 20 is now in compliance with 35 U.S.C. 101 and the rejections of claims 21-25 are moot.

Support for amendments to the claims

Claim 1 has been amended to clarify that the target printer includes memory in which the logo data is stored. Support for this amendment may be found at least on page 2, lines 13-15 of the applicants' specification. Claim 8 was amended to clarify that the file is an executable file and the logo data is stored in the memory of the printer. Support for this amendment may be found at least on page 6, lines 30-33 of the applicants' specification.

Claim 14 has been amended to substantially incorporate the features recited in claims 18 and 19. Claims 18 and 19 have been canceled.

Claims 30 and 33 are new. Support for the features recited in claims 30 and 33 can be found at least on page 16, lines 12-19 of the applicants' specification. Claim 31 and 34 are new. Support for the features recited in claims 31 and 34 can be found at least on page 11, lines 8-15 of the applicants' specification. Claims 32

and 35 are new. Support for the features recited in claims 32 and 35 can be found at least on page 2, lines 32-33 of the applicants' specification.

Claim Rejections -35 U.S.C. § 102(b)

Claims 1-12 and 14-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 5,890,818 issued to Roland P. SANSONE (hereinafter Sansone).

Sansone discloses a system used to remove fractions of a pixel from bar code bars to maintain the correct distance between adjacent code forming bars (Sansone column 5, lines 11-13). The system includes a computer that stores information about printers, printer settings, inks or toners, and papers that have been found to be compatible with the printing of indicia (Sansone column 5, lines 50-53). The system also includes a program to compute and store "simulated" bar and space widths (Sansone column 8, lines 5-6). The program interacts with a bar code quality factors database (Sansone column 8, lines 32-36). This database contains: a printer compatibility list; a printer settings list; a paper compatibility list; a toner and ink compatibility list; bar code definitions; a list of printer growth and shrinkage factors; a paper growth factors list; and a toner and ink growth factors list (Sansone column 8, lines 11-13).

Claim 1 has been amended to clarify that the logo data is stored in the printer's memory and the apparatus is configured to instruct the printer to store the logo data in the printer's memory. Sansone does not suggest or disclose these features as currently recited in claim 1. For at least this reason claim 1 is allowable over the cited art.

Claims 2-8 and 10-13 are allowable at least because they are dependent upon an allowable base claim.

The Rejection of Claim 9

The examiner has rejected claim 9 in view of 70 lines of Sansone. Although claim 9 has been canceled, claim 1 has been amended to incorporate some of the features recited in claim 9. Thus, the applicant would like to address the rejection of claim 9 in light of the amendment to claim 1. The applicant respectfully submits that the rejection of claim 9 was improper because the examiner did not reject the

claims in accordance with 37 CFR 1.104(c)(2). In particular, the examiner did not designate the particular part relied on as nearly as practicable. In order to further the examination of this application, the following is a summary of the 70 lines of Sansone, which the examiner believes are relevant to claim 9.

Sansone, column 8, line 40 to column 9, line 37

Sansone discloses a bar code quality factors data base containing: a printer compatibility list; a printer settings list; a paper compatibility list; a toner and ink compatibility list; bar code definitions; a list of printer growth and shrinkage factors; a paper growth factors list; and a toner and ink growth factors list (Sansone, column 8, lines 37-42). The printer compatibility list is a list of printers that do or do not work with Sansone's system (Sansone, column 8, lines 42-46). The printer settings list contains hardware and software settings for each printer (Sansone, column 8, lines 46-50). The paper compatibility list contains a list of compatible papers (Sansone, column 8, lines 50-52). Toner and ink compatibility list 304 contains a list of compatible toners and inks (Sansone, column 8, lines 53-55). Bar code definitions contain a geometric definition of the bar codes (Sansone, column 8, lines 55-57). The printer, ink and paper growth and shrinkage factors lists include listings of actual growth of ink when used with particular paper and/or printer (Sansone, column 8, lines 57-64). It is the applicant's opinion that the bar code quality database described in this paragraph is not relevant to the any of the features recited in claim 9.

Sansone describes a (Postal Security Device) PSD mailer program that exchanges information with a PSD unit, a modem and a bar code print quality manager program (Sansone, column 8, line 65 to column 9, line 1). The bar code print quality manager program exchanges information with the bar code quality factors data base and a bar code print quality variable spot size software raster image processor driver, such as the Canon laser printer driver (Sansone, column 9, lines 2-7). The driver exchanges information with a printer (Sansone, column 9, lines 7-8). The printer can accept raster images in the manner of the Hewlett Packard Laser Jet III or the Laser Master Unity Series (Sansone, column 9, lines 7-16). Varying the intensity or the exposure time of the beam used in laser and LED printers allows for various spot sizes. The only information disclosed in this

paragraph that is relevant to claim 9 is a printer driver that can communicate raster images to a printer (Sansone, column 9, lines 5-7). This paragraph does not disclose storing the logo data in the printer as recited in claim 9.

In an ink-jet printer the stimulation voltage or pulse width may be varied to print various spot sizes (Sansone, column 9, lines 19-20). Sansone discloses the relationship between spot size and total exposure on an LED or laser printer (Sansone, column 9, lines 21-25 and FIG. 13). Below a total exposure threshold no spot is printed (Sansone, column 9, lines 25-27 and FIG. 13). It is the applicant's position that no information in this paragraph is relevant to claim 9.

Sansone discloses a relationship between spot size and ink droplet diameter (Sansone, column 9, lines 28-31 and FIG. 14). Different spot sizes may be used at the bars edges to make sure the bars have the correct width (Sansone, column 9, lines 31-33). The size on one bar edge is different from the size on the other bar edge and can give a vernier effect (Sansone, column 9, lines 33-36). Advancing or delaying the print position of the spots can produce bars of the correct width (Sansone, column 9, lines 5-7). It is the applicant's position that no information in this paragraph is relevant to claim 9.

As described in detail above, most of the information recited in the 70 lines cited by the examiner was not relevant to the examination of claim 9. Thus this rejection was not in accordance with 37 CFR 1.104(c)(2). Furthermore, Sansone does not suggest or disclose all of the features recited in claim 9. In particular, Sansone does not disclose sending a command to a printer to store the logo data in the printer. Claim 9 has been canceled. Claim 1 has been amended to at least incorporate the distinguishing features of claim 9. This is an additional reason as to why claim 1 is allowable over the cited art.

The Rejection of Claim 8

Claim 8 was rejected in view of the 70 lines described above and an additional 187 lines of Sansone. It is the applicants' position that the rejection of claim 8 is not in accordance with 37 CFR 1.104(c)(2). It is the applicants' position that the features recited in claim 8 as currently amended, and as previously presented, are not disclosed by Sansone. The applicants' request that the examiner

withdraw their rejection of claim 8 or more clearly specify the portion of Sansone upon which this rejection is based.

In particular, Sansone does not disclose outputting an executable file containing the logo data. Nor does Sansone disclose an executable file that contains a printer registration command for storing the logo data in the memory of a printer. In addition, Sansone does not disclose that the executable file also contains a data transmission command for sending the printer registration command and logo data to the printer. For at least these reasons claim 8 is allowable over the cited art.

Rejection of claims 14-25

Claims 14-25 were rejected for the same reason as claims 1-12. Claim 14 has been amended to incorporate some of the features recited in claims 18 and 19. Claim 14 is allowable at least for the same reason as claims 1, 8 and 9. Claims 15-17 and 20 are allowable at least because they are dependent upon an allowable base claim. Claims 18, 19 and 21-25 have been canceled, thus their rejection is moot.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 13 and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sansone in view of U.S. patent application publication number 2002/0077892 filed by Bryan R. GORING (hereinafter Goring).

Claim 13 is allowable at least because it is dependent upon an allowable base claim. Claims 26-29 have been canceled, thus the rejection of claims 26-29 is moot.

New Claims

Claims 30-35 are new. Claims 30-35 are allowable at least because they are dependent upon allowable base claims.

In view of the foregoing, it is respectfully submitted that all pending claims are patentably distinguishable over the documents of record, and that the application is in condition for allowance. Should the Examiner believe that any issues remain outstanding, he is respectfully requested to contact applicants' undersigned agent in an effort to resolve such issue(s) and advance the case to grant.

Respectfully submitted,

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